

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATIONAL CHICKEN COUNCIL, *et al.*,

Plaintiffs,

v.

TOM VILSACK, in his official capacity as
SECRETARY OF AGRICULTURE, *et al.*,

Defendants.

No. 4:24-cv-03786

DEFENDANTS' CONSENT MOTION FOR STAY OF BRIEFING SCHEDULE

Defendants Tom Vilsack, in his official capacity as Secretary of Agriculture¹, and Bruce Summers, in his official capacity as Administrator of the Agricultural Marketing Service respectfully notify the Court that on January 20, 2025, the President of the United States issued the executive order *Ending Radical and Wasteful Government DEI Programs and Preference*, 2025 WL 244164 (Jan. 20, 2025). That order reflects the position of the United States and “direct[s]” agencies or department heads to “recommend actions . . . to align agency or department programs, . . . regulations, . . . and litigating positions with the policy of equal dignity and respect,” *id.* at *2. In light of that executive order, Defendants require additional time to evaluate their position in this case and determine how best to proceed.

Accordingly, Defendants also respectfully request that the Court stay the deadlines set forth under the current scheduling order, *see* ECF No. 30. Defendants propose to meet and confer with Plaintiffs about how to proceed in this case and intend to file a Joint Status Report (JSR) with the

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Acting Secretary of Agriculture Gary Washington is automatically substituted for Tom Vilsack.

Court within 60 days of today's date. The JSR will address how the parties wish to proceed in light of the executive order.

Dated: February 10, 2025

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

JOSEPH E. BORSON
Assistant Branch Director

/s/ Taylor Pitz
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Attorneys for Defendants

CERTIFICATE OF SERVICE

On February 10, 2025, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Taylor Pittz
TAYLOR PITZ
Trial Attorney
U.S. Department of Justice